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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
7 AT TACOMA

8 KEITH BERRY,

9 Plaintiffs,

10 v.

11 THE CITY OF TACOMA AND PIERCE
12 COUNTY,

Defendants.

Case No. C10-5711RJB/JRC

ORDER ADOPTING A REPORT AND
RECOMMENDATION

13 The Court, having reviewed the Report and Recommendation of Magistrate Judge J.
14 Richard Creatura, objections to the Report and Recommendation, if any, and the remaining
15 record, does hereby find and ORDER:

- 16 1. The Court adopts the Report and Recommendation (Dkt. 43);
17 2. Defendant's motion for summary judgment (Dkt. 36) is GRANTED.
18 Defendants are not liable for the alleged acts of assigned counsel, or for
19 the actions of employees when no unconstitutional custom or policy has
20 been shown;
21 3. In forma pauperis status on appeal is revoked; and
22 4. The Clerk is directed to send a copy of this Order to plaintiff, and to the
23 Hon. J. Richard Creatura.

24 DATED this 19th day of July, 2011.

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26 ROBERT J. BRYAN
United States District Judge